

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on June 25, 2007, the Examiner rejected claims 1-16 and 18-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,295,064 to Malec (hereinafter "Malec") in view of U.S. Patent No. 5,264,822 to Vogelmann (hereinafter "Vogelmann") in further view of U.S. Patent No. 5,640,002 to Ruppert et al. (hereinafter "Ruppert").

Rejections under 35 U.S.C. § 103(a):

In the Office action, the Examiner rejected all claims citing at least the combination of Malec, Vogelmann and Ruppert. The standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. [*In re Vaack*, 947 F.2d 488 (Fed. Cir. 1991).]

Applicants respectfully submit that the references cited by the Examiner do not teach or suggest all the limitations claimed in the claim set provided herein. Applicants also respectfully submit that there is no suggestion or motivation to combine the references in the manner suggested by the Examiner, and that one of skill in the art would not reasonably expect success in combining the references in the manner provided.

The Cited Art Fails to Teach All Claim Limitations

Independent claim 1 provides for an electronic shopping cart display system comprising: a display unit having a display screen attached to a shopping cart for displaying information; one

or more transceiver units for sending information to the display unit, said transceiver units located proximate to promoted items, wherein the information includes product-specific promotions ; a transmitter in direct electronic communication with the transceiver unit, for sending information to the transceiver; an audible alert component on the display unit for signaling receipt of information from the transceiver unit; and a computer for operating the interaction between the display unit, the transceiver units, and the transmitter in direct electronic communication with the transmitter unit and in indirect electronic communication with the transceiver unit through the transmitter. These combinations of elements are not disclosed in the cited references.

The “Trigger Transmitters” taught in Malec transmit simple positional information which is used to trigger promotional information stored on the cart-mounted electronics. Malec, Column 8, Lines 52-56. By explicitly storing all promotional and/or other product-related information on the cart-mounted electronics, Malec clearly teaches away from the transmission of promotional product specific from the transceiver units.

Further, Malec teaches a shopping cart display system but does not disclose transceiver units in direct electronic communication with a transmitter, and a computer that operates the interactions between the various units. And, Malec’s trigger transmitters do not transmit any product-specific information for the user, but merely transmit location information; the display then searches in its memory for messages related to that location information for display. (Col 8 lines 41-60) Thus, the trigger transmitters only serve as location beacons serving as signposts to tell the shoppers “You are here.” (Col 2 lines 29-36) Because the trigger transmitters only transmit location information, which is not subject to changes, they do not need to receive any

additional information to function, and thus do not have receivers and are not in direct communication with the centralized computer system or with any other transmitters.

In contrast, the transceivers claimed serve a function of transmitting product-specific promotions and advertisements and/or other product specific information for display on the display unit. This information is more complex, and as described in the as-filed specification is subject to change. The claimed transceivers are designed to be able to receive additional information to update the product-specific information to be transmitted, and are thus in communication with the controlling computer and transmitter. The trigger transmitters of Malec fail to achieve the same result as the claimed transceivers, because they fail to allow for transmitting product specific promotions, advertisements and/or other product specific information from the control computer to the transceiver units, and then from the transceiver units to the display units.

The Volgelman device teaches away from the present invention by disclosing a simple system for broadcasting audio messages to shopping carts moving through a plurality of pre-defined spatial zones in a store. *Vogelman*, Abstract. Volgelman selectively places transmitter's in particular geographic areas in a store. Each transmitter includes a single audio message and a transmitting means for sending a carrier signal over a predefined spatial zone. As a cart enters a zone the recorded message is broadcast to the cart while in the transmission zone. *Volgelman*, Column 3, lines 21-50. By storing only one prerecorded audio message, and by broadcasting the same non-interactive message to each cart that enters a zone Volgelman fails to teach the limitations found in the presently amended claim set.

Replacing the transmitter of Malec with the transceiver of Volgelman as suggested by the Examiner would not arrive at the claimed invention, but would merely replace a device only

capable of transmitting with one capable of transmitting and receiving. With that teaching replaced, Malec would still teach a transceiver that transmits location information that the SCD interprets to choose which previously-stored message to display. Malec does not teach any communication between the individual carts and the centrally-based store transmitter/transceiver.

Accordingly, Malec in view of Volgelman does not teach “a computer for operating the interaction between the plurality of display units, the plurality of transceiver units, and the transmitter.” Rather, Malec discloses a computer that controls the transmission of screen graphics to the shopping cart displays, but that computer does not interact with the transmitters. Likewise, Volgelman disclose an onboard speaker capable of vocalizing the audio signal being broadcast in the region of the cart. Volgelman does not disclose a computer that interacts with the transmitters.

In addition to Malec and Vogelman, the Examiner has cited Ruppert against the claims of the present invention. Ruppert discloses a portable barcode tag reader, which may be utilized to scan items placed in a cart. The pending Action indicates that the addition of Ruppert’s RFID scanning units would provide one of ordinary skill in the art, with motivation to replace transmitters with transceivers, and have the transmission be product specific promotions.

Similar to Malec and Vogelman, Ruppert fails to teach or suggest “at least one of a transceiver unit for sending information to the display unit, said transceiver unit located proximate to promoted items, wherein the information includes product specific promotions.”

In particular, Ruppert discloses the use of a personal scanner, which may be utilized to read the barcodes of items available in a grocery market. “This is done by having the users scan the barcode labels on items taken from the shelves and placed in the shopping cart.” Column 5, lines 55-57. Further, users “can use the output of the barcode reader to identify the items placed

in the basket and compare them to the currently selected shopping list.” Column 5, lines 60-62.

Ruppert indicates that “the barcode is then scanned and the resulting signals are decoded into the ASCII characters... the ASCII characters identify the item and are compared to the shopping list for a match...a running total of the cost of all the items in the basket is kept and shown on the screen...the running total is generated by comparing the identity of the item derived from the barcode identity to a price list. The price list is stored in the handheld scanner...” Column 7, lines 1–32. Accordingly, Ruppert discloses a portable barcode reader, on which a grocery list and a price list is stored. Ruppert further indicates that “in other embodiments, a wireless downloading process can be performed upon entry to the store.” Column 7, lines 20-22.

Ruppert’s method of wireless communication is substantially different than the system claimed in the present invention, as indicated by Ruppert’s disclosure, which indicates that, “when the user enters the store, he or she downloads the price list by touching the download button on the screen with the light pen or a physical button located elsewhere. The Personal Scanner™ then downloads the store’s current price list using the infrared transceiver or the RS232 port.”

Column 7, lines 25-31. Accordingly, Ruppert discloses a handheld barcoder, on which a customer’s shopping list and the store’s price list may be stored. However, Ruppert fails to disclose a product in which at least one transceiver unit is utilized for sending information to a display unit, said transceiver unit located proximate to promoted items, wherein the information includes product specific promotions. As noted in Ruppert’s disclosure, the transceivers are not located proximate to promoted items, but are located at the entrance to the store and Ruppert’s disclosed device fails to provide product specific promotions. Because Ruppert fails to disclose transceiver units located proximate to promoted items, wherein the information includes product

specific promotions, the claims of the present invention are not rendered obvious by the citation of Malec in view of Vogelmann and Ruppert.

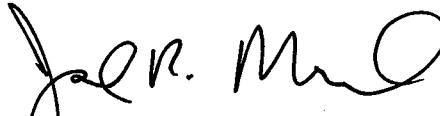
Therefore Applicants respectfully submit that the cited references, alone or in combination, fail to teach all claim limitations of independent claim 1. For at least this reason, Applicants respectfully submit that claim 1 is not made obvious by the cited combination of references and therefore respectfully request removal of the rejection. Claims 2-23 depend from claim 1 and are allowable for at least the same reasons. Applicants therefore respectfully request removal of all remaining rejections.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 8 day of November, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jared R. Marrott", with a stylized flourish at the end.

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